THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

No. 5:10-CT-3123-BO

| SHAUN ANTONIO HAYDEN, |) | |
|-----------------------|---|------------------------|
| Plaintiff, |) | DEFENDANT'S MOTION FOR |
| |) | SUMMARY JUDGMENT |
| v. |) | |
| |) | FED. R. CIV. P. 56(a) |
| PAUL G. BUTLER, |) | Local Civ. R. 7.1 |
| |) | |
| Defendant. |) | |

COMES NOW Defendant Paul G. Butler, Jr., through counsel, North Carolina Attorney General Roy Cooper and Assistant Attorney General Jodi Harrison, and move for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure on the grounds that no genuine issue of material fact exists and he is entitled to judgment as a matter of law. In support of the motion, Defendant relies upon the pleadings and motions on file in this case; his memorandum in support filed contemporaneously herewith; and the attached exhibits listed in Exhibit A.

Respectfully submitted this 10th day of November, 2014.

ROY COOPER Attorney General

/s/ Jodi Harrison

Jodi Harrison

Assistant Attorney General

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Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this day, I electronically filed the MOTION FOR SUMMARY

JUDGMENT with the Clerk of the Court using the CM/ECF system, and served via the

CM/ECF system the following participant:

Elizabeth G. Simpson Mary S. Pollard NC Prisoner Legal Services P.O. Box 25397 Raleigh, NC 27611 Attorneys for Plaintiff

This the 10th day of November, 2014.

/s/ Jodi Harrison

Jodi Harrison Assistant Attorney General